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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,612	09/30/2004	Takaaki Miyoshi	0152-0695PUS1	3018

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SZEKELY, PETER A

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,612

Applicant(s)

MIYOSHI ET AL.

Examiner

Peter Szekely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/30/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/30/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following: On page 9, the first full paragraph states, "(17) A resin composition described in the above (16) wherein the oil is mainly composes of paraffin." However, (16) mentions no oil.

Appropriate correction is required.

Claim Objections

2. Claim 27 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 27 has not been further treated on the merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The claim contains improper Markush language.

Double Patenting

6. Claims 1-26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of copending allowed Application No. 10722,450. Although the conflicting claims are not identical,

they are not patentably distinct from each other because they claim the same composition and the same end use.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 1-26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of copending allowed Application No. 10/478,413. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim the same composition and the same end use.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-20 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Asahi Chemical Industries Co., Ltd. JP-11-181271 or Sumitomo Chemical Co., Ltd. JP-9-169903.

10. The examiner who does not speak or read Japanese accepts the conclusions of the International Search Report without reservations. Applicants' claims are not novel.

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11. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Sumitomo Wiring Sys LTD JP-6-184398.

12. The examiner, who does not speak or read Japanese, believes bases on the English Abstract, that the composition and the article are identical to the claimed composition and article. All properties are inherent in the composition.

13. Claims 16-20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasai et al. 5,109,052.

14. Kasai et al. disclose PPE, PA and block copolymer with their concentrations in claim 1, paraffin oil plasticizer in claim 3, blends of polyamides in claim 7 and flame retardants in column 14, line 53. All properties are inherent in the composition.

Applicants' claims are not novel.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asahi Chemical Industry Co., Ltd. JP-11-181271, Sumitomo Chemical Co., Ltd. JP-9-169903, Asahi Chemical Co., Ltd. JP-5-70682 or Asahi Chemical Co., Ltd. JP-8-217972.

18. The Examiner who does not speak or read Japanese accepts the conclusions of the International Search Report without reservations. Applicants' claims are obvious over the cited references.

19. Claims 1-20 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. 5,283,282 or Kubo et al. 5,109,052, in view of Kasai et al. 5,109,052 or Kakegawa et al. 5,455,292.

20. Hamada et al. teach polyamide, elastomer and aromatic polyether with their concentrations in claim 1, relay block in column 1, lines 21-25, copolymer of polyamide 6 and polyamide 66 in column 4, line 61, block copolymer as the elastomer in column 8, lines 17-19, PPE as the polyether in column 10, lines 1-65, plasticizers and flame retardants in column 11, line 58. Kubo et al. recite relay box compositions comprising PPE and a blend nylon6 and nylon 6,6 with their concentrations in claim 1, PPE in claim 2, elastomer in claim 4, relay box in claim 11, block copolymer as the elastomer in column 5, lines 2-4, flame retardant, flame retardant aid and plasticizer in column 5, lines 41-42. Kasai et al. has been described already. Kakegawa et al. reveal PPE, polyamide and elastomer in claim 1 and flame retardant in claim 1, second flame

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retardant in claims 15-18, block copolymer as the elastomer in column 5, lines 8-13, other flame-retardants in column 8, lines 24-46, plasticizers in column 8, line 47 and paraffin oil in Example 25. All properties are inherent in the composition. It would have been obvious to one having ordinary skill in the art; at the time the invention was made, to use the paraffin oil of Kasai et al. as the plasticizer and the phosphate esters of Kakegawa et al as the flame retardants, because they have been proven effective in similar compositions. Since the compositions are comparable, the examiner believes that the resulting relay blocks would be similar too, making them obvious.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'P. Szekely', with a stylized flourish at the end.

Peter Szekely
Primary Examiner
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P.S.
8/17/05